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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Fadi B. Chehade

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THE HECKER LAW GROUP  
1925 CENTURY PARK EAST  
SUITE 2300  
LOS ANGELES, CA 90067

EXAMINER

JOHNSON, GREGORY L

ART UNIT

PAPER NUMBER

3691

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/757,771	<b>Applicant(s)</b> CHEHADE ET AL.	
	<b>Examiner</b> GREGORY JOHNSON	<b>Art Unit</b> 3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26,28-35,37-47,51 and 61-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26,28-35,37-47,51 and 61-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to the amendment filed October 9, 2007.

#### ***Status of Claims***

2. Claims 1-25, 27, 36, 48-50 and 52-60 are canceled. Claims 26, 28-29 and 51 are amended. Claims 30-35, 37-47, 51 and 61-63 are as previously presented. Claims 26, 28-35, 37-47, 51 and 61-63 are pending.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 36 and 52 were previously rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims have been canceled; therefore, the rejection is withdrawn.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 26, 28-33, 37-47, 51 and 61-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al., Pat. No. 7,051,071 (hereinafter Stewart).

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

As to claim 26, Applicants amended the last limitation by adding:

- wherein said process management platform is configured to process at least one proprietary transaction definition format.

Stewart discloses this additional element in col. 15, lines 43-64.

The rejection of the remaining limitations/elements of claim 26 stands as set forth in the previous Office Action.

Claims 28, 30-33, 37-47 and 61-63 are rejected as set forth in the previous Office Action.

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As to claim 29, Stewart discloses the computer program product of claim 26 wherein said process management platform broadcasts said first business process data to said plurality of second trading participants (col. 13, lines 63-67), said process management platform being further configured to utilize at least one open protocol (e.g. RosettaNet) that defines a business process (col. 15, lines 43-64).

As to claim 51, Applicants amended the last limitation by adding:

- said process management platform being configured to process at least one proprietary transaction definition format.

Stewart discloses this additional element in col. 15, lines 43-64.

The rejection of the remaining limitations/elements of claim 51 stands as set forth in the previous Office Action.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart and Examiner's Office Notice as set forth in the previous Office Action.

***Response to Arguments***

10. Applicant's arguments filed October 9, 2007 have been fully considered but they are not persuasive.

On page 9 and continuing onto page 10, Applicants argue the rejection of claims 26-33, 37-47, 51-52 and 61-63 under 35 U.S.C. §102(e), as anticipated by Stewart et al. (U.S. Patent 7,051,071). Applicants argue:

"that amended claims 26, 28 - 29 and 51 patentably distinguish over the workflow integration system of Stewart et al. Specifically, Stewart et al. fails to disclose a process management platform configured to process at least one proprietary transaction definition format, as presently claimed by Applicant. Stewart et al. teaches instead that the "solution should be easy and relatively inexpensive for partners to integrate in a non- proprietary fashion..." (Col. 8, lines 26 - 28)."

In column 15, lines 43-64, Stewart disclosed one of the features of the workflow integration system as being "Business-protocol independence." Stewart discloses that this includes open protocols, such as RosettaNet, in addition to proprietary protocols. Therefore, the rejection of claims 26-33, 37-47, 51-52 and 61-63 under 35 U.S.C. §102(e) stands as set forth in the previous Office Action.

On page 11, Applicants argue the rejection of claims 34-35 under 35 U.S.C.

§103(a) as being unpatentable over Stewart et al. Applicants argue:

"that there is no suggestion or motivation in Stewart et al. in regard to modifying its workflow system in any way as to provide a process management platform configured to process at least one proprietary transaction definition format, as presently claimed by Applicant."

As stated above, Stewart disclosed one of the features of the workflow integration system as being "Business-protocol independence." Stewart discloses that this includes open protocols, such as RosettaNet, in addition to proprietary protocols.

Applicants also argue on page 11:

"The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification, In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir.1984). Clearly, the various modifications asserted by the Examiner would have no bearing on the patentability of Applicant's claims, as currently amended."

It is unclear to the Examiner what the Applicants meaning behind "various modifications asserted by the Examiner." As stated above, Stewart discloses the support of proprietary transaction definition formats. Therefore, this would not warrant any modifications. The Examiner has already acknowledged that Stewart does not disclose business process data comprising technical information and item acquisition data. However, the Examiner does not understand how the lack of disclosing these two elements would warrant any modifications, because Stewart does disclose the support of the Partner Interface Process (PIP) of RosettaNet (col. 10, lines 16-65). The Applicants' specification recites, "the purchaser uses PIPs to specify to process service module the item acquisition data, technical data, and other information required to describe the desired transaction" (page 34, last para. thru page 35, first para). It is obvious that Stewart's support of PIPs would provide the ability to support, without any

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modifications, the flow of item related information/data. Therefore, the rejection of claims 34-35 under 35 U.S.C. §103(a) stands as set forth in the previous Office Action.

### ***Conclusion***

**11.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY JOHNSON whose telephone number is (571) 272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GREGORY JOHNSON  
Examiner  
Art Unit 3691



LALITA M. HAMILTON  
PRIMARY EXAMINER